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/Armand P. Boisselle/
Armand P. Boisselle

October 20, 2006
Date

AVERP3447USA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Sjoerd Johannes van Driesten

Serial No: 10/796,758

Filed: March 9, 2004

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Group Art Unit: 1711

Examiner: Thao Tran

Confirmation No: 4363

For: **REUSABLE CLOSURES FOR PACKAGES AND METHODS OF
MAKING AND USING THE SAME**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

LETTER

Sir:

This letter is in response to the Communication mailed from the Patent Office on August 4, 2006, but which was not received by Applicant's attorney until October 13, 2006. The Communication contained a Notice of Improper Request for Continued Examination (RCE) which is attached to this reply. As noted therein, the Request for Continued Examination filed on July 25, 2006 was not accompanied by a submission as required by 37 CFR 1.114. However, a Suspension of Action of three months under 35 CFR 1.103(c) was included with the Request for Continued Examination.

In response to the Notice, an AMENDMENT IN RCE AND REPLY TO FINAL REJECTION is being filed in the United States Patent and Trademark Office today along with this letter as a submission to be considered with the RCE. Also, enclosed is a Petition (and fee) for extending the deadline for responding to the final rejection for 3 months until October 25, 2006.

In view of the above, and the accompanying documents, favorable reconsideration of the claims of the above identified application is requested.

In the event any additional fees are due in connection with the filing of this document, the Commissioner is authorized to charge those fees to our Deposit Account No. 18-0988 under Attorney Docket No. **AVERP3447USA**.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

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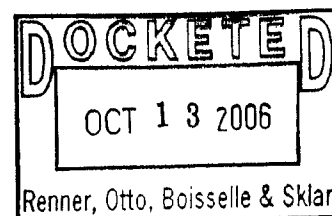
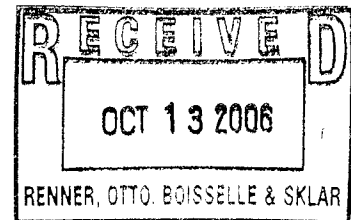


UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|------------------------------|---------------------|------------------|
| 10/796,758 | 03/09/2004 | Sjoerd Johannes van Driesten | AVERP3447USA | 4363 |
| 7590 08/04/2006 | | | EXAMINER | |
| Heidi A. Boehlefeld Renner, Otto, Boisselle & Sklar, LLP Nineteenth Floor 1621 Euclid Avenue Cleveland, OH 44115-2191 | | | TRAN, THAO T | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1711 | |
| DATE MAILED: 08/04/2006 ✓ | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.



~~44-06~~

10/25/06



APPLICATION NUMBER

FILING DATE

FIRST NAMED APPLICANT

ATTY DOCKET NO./TITLE

10/796,758

DATE MAILED:

NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

The request for continued examination (RCE) under 37 CFR 1.114 filed on 7/25/06 is improper for reason(s) indicated below:

- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☐ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on _____. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☐ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- ☒ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

Note: If a request for a continued prosecution application (CPA) under 37 CFR 1.53(d) has been filed in the utility or plant application (including a previously filed CPA) that was filed on or after May 29, 2000, the request for a CPA has been treated as a RCE because the CPA practice no longer applies to such application. The constructive RCE, however, is improper for reason(s) indicated above.

A copy of this notice MUST be returned with any reply.

Direct the reply and any questions about this notice to:

Julia Farmer, Examining Group 1700

(703) 305-5711-272-1005
FORM PTO-2051 (Rev. 3/2001)